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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,490	01/24/2002	Allan S. Myerson	14960.002USB	4950
22870	7590	01/02/2004	EXAMINER	
TECHNOPROP COLTON, L.L.C. P O BOX 567685 ATLANTA, GA 311567685			RUSSEL, JEFFREY E	
			ART UNIT	PAPER NUMBER
			1654	
DATE MAILED: 01/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,490

Applicant(s)

MYERSON ET AL.

Examiner

Jeffrey E. Russel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 0202 and 11 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicants' claim for priority set forth at page 1, lines 5-7, is objected to because this application contains new matter with respect to the disclosure of the parent application. For example, the disclosure at page 8, lines 13-17, of the instant specification and of claim 1, step c, is not found in the disclosure of the parent application. The disclosure at page 14, lines 22-24, of the instant specification is changed with respect to the disclosure at page 15, lines 1-3, of the parent application. Accordingly, this application is a continuation-in-part rather than a continuation of parent application 09/694,404. Because of the presence of this new matter in this application, Applicants are not entitled to rely upon a photocopy of the declaration under 37 CFR 1.63 filed in the parent application, and must instead submit a new oath or declaration under 37 CFR 1.63 along with the surcharge under 37 CFR 1.16(e). See MPEP 201.06(c) under "Examination", third paragraph.

The status of parent application 09/694,404 should be updated in any claim for priority submitted in this application.

Correction is required.

The benefit claim filed on September 8, 2003 was not entered because the required reference was not timely filed within the time period set forth in 37 CFR 1.78(a)(2) or (a)(5). If the application is an application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a nonprovisional application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the reference to the prior application must be made

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during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, applicant must file a petition for an unintentionally delayed benefit claim under 37 CFR 1.78(a)(3) or (a)(6). The petition must be accompanied by: (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted); (2) a surcharge under 37 CFR 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Note that the requirement to petition applies when the relationship between parent applications is incorrectly stated, as well as when a priority claim is completely missing from an application. See the Notice by Deputy Commissioner Kunin dated February 24, 2003, at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/benefitclaims.pdf>.

The proposed amendment to the priority claim filed September 8, 2003 will overcome the above objection once the amendment can be entered.

2. The amendment filed September 8, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment to page 15, lines 22-29, of the

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specification stating that polymorph crystals can be grown to a desired size “using known techniques without undue experimentation” is new matter. The specification and claims as originally filed do not state what types of techniques and degree of experimentation is necessary or sufficient to grow crystals of a desired size. Note that obviousness is not the test of new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Factors to be considered in determining whether a disclosure meets the enablement requirement of 35 U.S.C. 112, first paragraph, have been described in *In re Colianni*, 195 USPQ 150 (CCPA 1977) and have been adopted by the Board of Patent Appeals and Interferences in *Ex parte Forman*, 230 USPQ 546 (BPAI 1986). Among these factors are: (1) the nature of the invention; (2) the state of the prior art; (3) the relative skill of those in the art; (4) the predictability or unpredictability of the art; (5) the breadth of the claims; (6) the amount of direction or guidance presented; (7) the presence or absence of working examples; and (8) the quantity of experimentation necessary. With respect to (1), the nature of the invention is the preparation crystal polymorphs which are not capable of being manufactured by any other method than that of instant claims 1 or 11. With respect to (2)

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and (4), as required by the terms of the claims, the prior art can not enable one skilled in the art to prepare such crystal polymorphs. With respect to (3), the relative skill of those in the art is high. With respect to (5), the breadth of the claims is vast, embracing the preparation of any number of previously unknown polymorphs of an infinite number of substances under any combination of light or laser light wavelength, power, and polarization state conditions. With respect to (6) and (7), the specification does not provide any direction or guidance to how to produce polymorphs which can't be produced by any method other than that of instant claims 1 or 11. The specification reports two examples, one for nucleation of glycine and the other for nucleation of alanine. For nucleation of glycine, Applicants admit at page 13, lines 9-14, and page 14, line 20- page 15, line 21, of the specification that their method as applied to a supersaturated glycine solution results only in a mixture of gamma-glycine and alpha-glycine, both of which are known polymorphs. This is evidence that it is possible to operate within Applicants' claimed parameters and not be able to produce an unknown polymorph. With respect to alanine, the specification at page 16, lines 27-28, Applicants state that the XRD pattern of the polymorph produced by Applicants' invention is not the same as any other XRD pattern reported for crystalline alanine. However, this is not quite the equivalent of stating that it is not possible to produce the experimental XRD pattern by a method other than the claimed method. With respect to (8), the quantity of experimentation necessary would be vast, given the number of substances and light or laser light conditions involved and given the significant probability that it will be possible to operate within Applicants' claimed parameters and not be able to produce an unknown or unexpected polymorph. When the above factors are weighed, it is the

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examiner's position that one skilled in the art could not practice the invention without undue experimentation.

5. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are drawn to crystal polymorphs which are not able to be manufactured other than by the method of instant claims 1 or 11. The claims potentially embrace any number of polymorphs of an infinite number of substances. However, the specification provides only one possible example of a substance, alanine, which may have a polymorph only able to be manufactured using the method of instant claims 1 or 11. The specification does not actually provide any experimental data showing that it is not possible to prepare the disclosed alanine polymorph by any method other than that of claims 1 or 11. The only other example provided in the specification, glycine, which is structurally very similar to alanine, fails to meet the limitations of Applicants' claims. Given the vast number of possible polymorphs and substances potentially embraced within the scope of the claims, a single example involving a single polymorph of a single substance does not constitute an adequate written description of the claimed product. See also MPEP 2163.

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-12 and 19-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,596,077, which issued based upon copending Application No. 09/918,935. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the '077 patent anticipate the instant claims. Because the '077 patent claims subjecting the same supersaturated solution of the same substance to the same laser light of the same pulse rate, period, and wavelength and because the supersaturated solution is formed by the same method as is claimed by Applicants, inherently a crystal polymorph will be formed which is different than polymorphs that would nucleate in the absence of the laser light; inherently a polymorph crystal will be formed which is only able to be manufactured using the method of instant claims 1 or 11; and inherently a crystal polymorph will be formed which is different than what will form when the solution is subjected to light with a wavelength that is absorbed by the solution; in the claimed method of the '077 patent to the same extent claimed by Applicants. Because the '077 patent claims selecting the wavelength, power and polarization state of the laser light and claims a pulse rate and period of time, inherently the claimed method of the '077 patent will result in growing crystals to a desired size to the same extent claimed by Applicants.

8. Claims 1-12 and 19-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 5-88 of copending



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application No. 10/222,506. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the '506 application anticipate the instant claims. Because the '506 application claims subjecting the same supersaturated solution of the same substance to the same laser light of the same pulse rate, period, and wavelength and because the supersaturated solution is formed by the same method as is claimed by Applicants, inherently a crystal polymorph will be formed which is different than polymorphs that would nucleate in the absence of the laser light; inherently a polymorph crystal will be formed which is only able to be manufactured using the method of instant claims 1 or 11; and inherently a crystal polymorph will be formed which is different than what will form when the solution is subjected to light with a wavelength that is absorbed by the solution; in the claimed method of the '506 application to the same extent claimed by Applicants. Because the '506 application claims selecting the wavelength, power and polarization state of the laser light and claims a pulse rate and period of time, inherently the claimed method of the '506 application will result in growing crystals to a desired size to the same extent claimed by Applicants.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. The effective filing date of instant claims 11-18 and 20 is deemed to be at least October 23, 2000, the filing date of parent application 09/694,404. Instant claims 11-18 and 20 are deemed to be entitled under 35 U.S.C. 120 to the benefit of the filing date of the '404 application because the '404 application, under the test of 35 U.S.C. 112, first paragraph, discloses the claimed invention.

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The effective filing date of instant claims 1-10, 19, and 21 is deemed to be January 24, 2002, the filing date of the instant application. Instant claims 1-10, 19, and 21 are not deemed to be entitled under 35 U.S.C. 120 to the benefit of the filing date of parent application 09/694,404 because the parent application '404, under the test of 35 U.S.C. 112, first paragraph, does not disclose step c of instant claim 1 or step b of instant claim 21. Accordingly, U.S. Patent No. 6,596,077, which has a different inventorship than the instant application, is available as prior art against instant claims 1-10, 19, and 21 under 35 U.S.C. 102(e); and the Zaccaro et al article (Crystal Growth & Design, Vol. 1, pages 5-8) is available as prior art against instant claims 1-10, 19, and 21 under 35 U.S.C. 102(a).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(f) he did not himself invent the subject matter sought to be patented.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-12 and 19-21 are rejected under 35 U.S.C. 102 (f) and/or (g) as being anticipated by U.S. Patent No. 6,596,077. See the above obviousness-type double patenting rejection.

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12. Claims 1-12 and 19-21 are rejected under 35 U.S.C. 102 (f) and/or (g) as being anticipated by copending Application No. 10/222,506 and by its corresponding patent application publication, U.S. Patent Application Publication 2003/0101926. See the above provisional obviousness-type double patenting rejection.

13. Claims 1-10, 19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,596,077 (which is the equivalent of Myerson (U.S. 2003/0024470), applied in the previous Office action). The '077 patent teaches subjecting the same supersaturated solution of the same substance to the same laser light of the same pulse rate, period, and wavelength and where the supersaturated solution is formed by the same method as is claimed by Applicants. See, e.g., claims 1-33 of the '077 patent. In addition, the '077 patent teaches growing its protein crystals to a desired size. See, e.g., column 3, lines 52-64, and column 4, lines 15-21. Because the method steps of the '077 patent are the same as those claimed by Applicants, inherently a crystal polymorph will be formed which is different than polymorphs that would nucleate in the absence of the laser light; inherently a polymorph crystal will be formed which is only able to be manufactured using the method of instant claims 1 or 11; and inherently a crystal polymorph will be formed which is different than what will form when the solution is subjected to light with a wavelength that is absorbed by the solution; in the claimed and disclosed method of the '077 patent to the same extent claimed by Applicants. Sufficient evidence of similarity is deemed to be present between Myerson and Applicants' claims to shift the burden to Applicants to provide evidence that their claimed invention is unobviously different than Myerson. With respect to instant claim 19, also note that process limitations do not impart patentability to product-by-process claims where the product is otherwise anticipated by or obvious over the prior art.

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14. Claims 1-10 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by the Zaccaro et al article (Crystal Growth & Design, Vol. 1, pages 5-8). The Zaccaro et al article teaches forming a  $\gamma$ -polymorph of glycine by subjecting an aqueous supersaturated solution of glycine, formed by cooling and aging, to several minutes of laser light pulsed at 10 pps. The laser light has a wavelength of 1.06  $\mu\text{m}$ . See, e.g., the abstract and page 6, column 2. [Note: The Zaccaro et al article is not applied against instant claim 19 because the method of the Zaccaro et al article produces a previously known, although unexpected, crystal polymorph of glycine. Such previously known polymorphs are excluded from the scope of instant claim 19 in view of Applicants' amendment to that claim.]

15. Applicant's arguments filed September 8, 2003 have been fully considered but they are not persuasive.

The terminal disclaimers filed September 8, 2003 have been approved.

According to current Office records, the instant application is not commonly owned with U.S. Patent No. 6,596,077, which issued based upon copending Application No. 09/918,935. In their response, Applicants also did not make any indication that the instant application and U.S. Patent No. 6,596,077/Application No. 09/918,935 were commonly owned at the time the invention was made. Accordingly, the examiner has made appropriate rejections over this patent under 35 U.S.C. 102(f) and/or (g) as set forth in MPEP 804, Charts I-B and III-B. Note also that the procedure for disqualifying this patent as prior art under 35 U.S.C. 103(c) is not available.

According to current Office records, the instant application is not commonly owned with copending Application No. 10/222,506. Accordingly, the examiner has made appropriate rejections over this application and its corresponding patent application publication under 35

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U.S.C. 102(f) and/or (g) as set forth in MPEP 804, Charts I-B and III-B. Note also that the procedure for disqualifying this patent as prior art under 35 U.S.C. 103(c) is not available.

The obviousness-type double patenting rejection and anticipation rejections based upon U.S. Patent No. 6,596,077 are maintained. Although Applicants comment on how the claims of the '077 patent are patentably distinct over the instant claims, the issue is only whether the instant claims are patentably distinct over the claims of the '077 patent. Only one-way obviousness need be established to support the provisional obviousness-type double patenting rejection. Polymorphism may be irrelevant to applications in the Protein Crystal Line; however, all crystals formed in the claimed methods of the Protein Crystal Line applications will inherently have some polymorph structure. Because the instant claims do not require that any particular crystal polymorph be achieved, and because the instant method claims embrace forming "commonly nucleated" crystal polymorphs, then any polymorph structure formed in the claimed methods of the Protein Crystal Line applications will satisfy the claim requirement of the instant claims that a crystal polymorph be prepared. As set forth in the obviousness-type double patenting rejection, because the same solution is subjected to the same light with the same selected polarization state according to the same method steps, inherently the selected polarization state of the claimed method of the '077 patent will control the resulting crystal polymorph structure to the same extent claimed in the instant application. It does not matter that the '077 patent may not intend to use the polarization state to control the polymorph structure of the crystals, as long as the polarization state actually does control the polymorph structure of the crystals in the claimed method of the '077 patent. Intent is not a prerequisite to inherency or

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anticipation. Again, Applicants have provided no explanation as to how the claimed method of the '077 patent can produce a crystal of a substance and not produce a crystal polymorph.

The anticipation rejection based upon the '077 patent meets all the tests of anticipation set forth in the case law cited by Applicants. Both the '077 patent and the instant application are directed to producing crystals from supersaturated solutions under the influence of light of a selected polarization state. While the '077 patent may have the additional benefit of creating larger and/or higher purity protein crystals, this does not mean that the '077 patent does not produce protein crystals having a polymorph structure. The '077 patent need not describe its invention using the exact same terminology chosen by Applicants in order to anticipate Applicants' claimed invention. See MPEP 2112 and *In re Skoner*, 186 USPQ 80, 82 (CCPA 1975). The '077 patent teaches preparation of a protein crystal using an identical (not merely a similar) method as is claimed by Applicants, and Applicants' method claims do not require that an "extraordinary" polymorph be produced. Accordingly, Applicants' claims do not distinguish over the '077 patent. The obviousness of the selection of a wavelength or polarization state is irrelevant in an anticipation rejection. In any event, the '077 patent teaches selecting light of the same wavelength and the same polarization state claimed by Applicants.

16. Myerson (U.S. Patent Application Publication 2003/0101926) claims priority to application no. 09/918,935, which issued as U.S. Patent No. 6,596,077. Thus, for prior art purposes under 35 U.S.C. 102(e), Myerson (U.S. Patent Application Publication 2003/0101926) is at best duplicative of U.S. Patent No. 6,596,077 and accordingly is not applied as prior art under 35 U.S.C. 102(e) against the instant claims.

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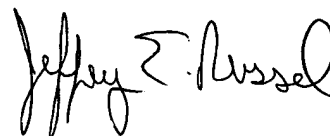
Werling et al (U.S. Patent Application Publication 2003/0044433) is cited as art of interest. See, e.g., claims 53 and 58. However, Werling et al do not teach or suggest growing crystals of a polymorph to a desired size as required by instant claims 1 and 21, and do not teach or suggest subjecting a supersaturated aqueous solution to light as required by instant claim 11.

17. Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (703) 308-3975. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

PLEASE NOTE: Sometime on or around January 6, 2004, the examiner will be moving to the new USPTO headquarters. At that time, the examiner's phone number will change to (571) 272-0969. After January 6, it is recommended that Applicants attempt to contact the examiner at the new phone number if they are unable to reach him using the old number.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Brenda Brumback can be reached at (703) 306-3220. The fax number for Technology Center 1600 for formal communications is (703) 872-9306; for informal communications such as proposed amendments, the fax number (703) 746-5175 can be used. The telephone number for the Technology Center 1600 receptionist is (703) 308-0196.



Jeffrey E. Russel  
Primary Patent Examiner  
Art Unit 1654

JRussel  
December 23, 2003